

**REMARKS**

Claims 1-8 are pending. Claims 5-7 have been withdrawn. By this response, claim 2 is amended. Reconsideration and allowance based on the above amendments and following remarks are respectfully requested.

§ 112, 2<sup>nd</sup> Paragraph

The Office Action rejects claims 2 and 4 under 35 U.S.C. §112, 2<sup>nd</sup> paragraph. This rejection is respectfully traversed.

Regarding claim 2, the Office Action states that the term “part” should be replaced with “parts.” Applicants note that claim 2 has been amended as suggested.

Regarding claim 4, the Office Action asserts that the claim is indefinite as it recites an apparatus in the preamble but later on line 15 recites “providing update operation information” which is a method limitation. Applicants respectfully submit that claim 4 is not indefinite.

First, Applicants note that mixing claim types is not improper and does not form a basis for indefiniteness. Second, claim 4 recites a map data processing apparatus comprising a storage unit... and a receiving unit, where the receiving unit is further defined by “providing update operation information.” Applicants submit that the structural features of the apparatus claim are clearly recited upon which features further defining the structural features of the apparatus are also recited. The use of the term “providing update operation information” is used to further define the receiving unit which is perfectly acceptable language. The fact that a tense (-ing) of a word is used that is widely used in method claims does not render an apparatus claim indefinite. A word ending in “-ing” can be used to describe structural features of an apparatus claim when necessary and is appropriate for such description.

Therefore, Applicants respectfully submit that claim 4 is not indefinite.

In view of the above, Applicants respectfully request reconsideration and withdrawal of the §112, 2<sup>nd</sup> paragraph rejection with regard to claims 2 and 4.

#### Prior Art Rejection

The Office Action rejects claims 1-4 and 8 under 35 U.S.C. §103(a) as being unpatentable over Nakane et al. (US 6,868,334) in view of Hunzinger (US 7,079,946). This rejection is respectfully traversed.

Applicants submit that Hunzinger is not prior art. Hunzinger has an August 29, 2003 filing date which is after Applicants priority date of November 1, 2002 of JP2002-320161. Applicants provide herewith a certified translation of the priority document JP2002-320161 in order to perfect the priority of the present application. The priority date of the present application is November 1, 2002.

Applicants respectfully submit that Hunzinger is no longer prior art and therefore the rejection of claims 1-4 and 8 is improper and therefore moot. Accordingly, withdrawal of the rejection is respectfully requested.

Applicants respectfully submit that with no remaining rejections or objections in the pending application, the application is now in condition for allowance. Prompt allowance is earnestly solicited.

#### Conclusion

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Chad J. Billings Reg. No. 48,917 at the telephone number of the undersigned below, to

conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: July 9, 2007

Respectfully submitted,

By 

Chad J. Billings

Registration No.: 48,917

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road, Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant